

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DeAndre Jerome Barnes,

Plaintiff,

v.

Civil No. 07-3657 (JNE/AJB)
ORDER

Hennepin County Attorney's Office;
Mike Freeman, in his individual and
official capacities as County Attorney;
Robert J. Streitz, in his individual and
official capacities as Assistant County
Attorney,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Arthur J. Boylan, United States Magistrate Judge, on July 17, 2008. The magistrate judge recommended that Defendants' Motion to Dismiss be granted pursuant to 28 U.S.C. § 1915A (2000) because Plaintiff fails to state a claim upon which relief may be granted. The magistrate judge further recommended that the amended complaint be dismissed with prejudice and that the dismissal be counted as a strike for purposes of 28 U.S.C. § 1915(g) (2000). Plaintiff objected to the Report and Recommendation and requested additional time to seek the aid of counsel. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's request for additional time [Docket No. 35] is DENIED.
2. Defendants' Motion to Dismiss [Docket No. 23] is GRANTED.
3. The Amended Complaint [Docket No. 8] is DISMISSED WITH PREJUDICE.

4. This dismissal constitutes a strike for purposes of 28 U.S.C. § 1915(g).

LET JUDMENT BE ENTERED ACCORDINGLY.

Dated: August 7, 2008

s/ Joan N. Ericksen

JOAN N. ERICKSEN

United States District Judge